



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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Initial reports of States Parties

MONGOLIAN PEOPLE'S REPUBLIC

The popular revolution of 1921 laid the basis for the building of a new society free from exploitation and inequality. Over a historically brief period, radical social and economic reforms were carried out in Mongolia, which passed straight from a situation of feudal backwardness and colonial dependence to socialism, avoiding the whole socio-economic stage of capitalism.

One of the most important gains of popular rule was the achievement of full equality between men and women in all aspects of the life of the community - economic, political and cultural.

Nowadays the women of Mongolia are active participants in the construction of a socialist society. Mongolian women work successfully in all fields of the economy and culture, including agriculture, industry, trade, transport and communications, science and education, health and the arts. Forty-nine per cent of those working in the country's economic and cultural activities are women.

Women represent 32 per cent of Heroes of Labour of the Mongolian People's Republic, and during the sixth five-year plan (1976-1980) accounted for 37.2 per cent of shock workers.

1. In the Mongolian People's Republic all citizens have equal rights regardless of sex, race, nationality, religion or social origin or status (Mongolian Constitution, article 76). The Mongolian Constitution contains a special article (article 84) proclaiming the equality of men and women in all fields of economic, state, cultural, social and political life. Any attempt to deny women equal rights in whatever way is punishable by law. The realization of this equality in practice is ensured by giving women equal conditions in the fields of work, leisure, social welfare and education, by state action to protect the interests of mother and child, by state aid to mothers of large families, by granting paid leave for pregnant women and nursing mothers and by extending the network of maternity homes, kindergartens and crèches.

Questions relating to women's rights are also regulated by national laws and regulations, such as the acts on khurals and deputies, the provisions on elections to state organs, the Labour Code, the Health Act, the Civil and Family Code, the Education Act and the Pensions Act.

Standing commissions on women's labour and life and on maternal and child welfare have been set up under the Great People's Khural of the Mongolian People's Republic and the khurals of people's deputies of towns and aimaks (provinces).

In Mongolia the basic provisions of the Convention on the Elimination of Discrimination Against Women have become a reality.

2. Women in Mongolia enjoy all political rights on an equal footing with men. They are given genuine opportunities for broad participation in the country's political and community life. All Mongolian citizens on reaching the age of 18 are entitled to vote in all elections and to be elected to all State organs (Mongolian Constitution, article 81). The active and equal part played by women in the life of society and the State is shown by the following facts. Women represent 24.3 per cent of the deputies in the Great People's Khural of Mongolia and 28.3 per cent of deputies in local organs of the State. They constitute a quarter of the membership of the Mongolian People's Revolutionary Party, more than half the membership of the Mongolian Revolutionary Union of Youth and the Mongolian trade unions and 30.8 per cent of those working in organizations of the community and in organs of the State administration.

All workers have an equal chance of promotion in their work on the basis of their length of service and qualifications, regardless of sex.

3. Mongolian women have the same rights as men with regard to acquiring, changing and keeping their citizenship. The Mongolian Family Code, article 107, and the Citizenship Act, article 5, state that marriage between a Mongolian citizen and an alien does not entail any change of citizenship for either party. Article 12 of the Citizenship Act states that if one of the spouses ceases to have Mongolian citizenship, that does not affect the citizenship of the other spouse or of their children. When registering the birth of children, the civil registry offices at the same time register their citizenship, being governed in this by the Mongolian Citizenship Act (Mongolian Family Code, article 110).

4. Women in Mongolia have the same rights as men at all levels of education. This right is guaranteed by the fact that education is free, by the development of a wide network of schools of general education and specialized institutions, by development of the system for improving qualifications and by the system of State grants to students in secondary schools and specialized and higher educational institutions (Mongolian Constitution, article 80).

The new Mongolian Education Act establishes the basic principles underlying education in Mongolia:

Mongolian citizens have an equal right to education regardless of sex, race, nationality, religious attitude or social origin or status;

Education is compulsory for all children and young people;

All educational institutions are state and public in nature;

People are entitled to be taught in their native tongue;

Instruction in educational institutions is free at all levels, students and pupils receive state grants and are given other material assistance and benefits;

The education and upbringing of children and young people is a unified process, in which the school, the family and the community co-operate;

The sexes are educated together.

Under the Education Act, article 59, students and pupils are entitled to make use, free of charge, of equipment and instruments, auditoriums, reading rooms, laboratories, libraries, sports halls and grounds and all other educational facilities, to live in boarding houses and hostels and to obtain free care at medical institutions.

Universal (compulsory) primary education was successfully introduced for Mongolian children in the early 1960s. Now that the country has moved on to universal (compulsory) eight-year education for children of school age, primary education represents the first cycle (stage) of secondary education.

After compulsory eight-year education almost half of the pupils graduating from the eighth class continue their studies at secondary school, receiving 10-year (full secondary) education, while others go to vocational training colleges or secondary specialized institutions.

Secondary education is an important element in the Mongolian educational system. It includes general secondary education, vocational training and specialized secondary education, which are given respectively in general secondary schools, vocational training colleges and specialized secondary institutions.

At present the country has 885 schools of general education, 37 training colleges and 25 specialized secondary institutions. According to the 1980 figures, out of every 10,000 inhabitants, about 3,000 were undergoing education, including 2,373 in schools of general education and 246 in specialized secondary institutions and training colleges.

Those who complete ten years of school receive a certificate of secondary education, which entitles them to enter higher educational institutions, and also training colleges and specialized secondary institutions, where they take a shortened course.

The training colleges and specialized secondary institutions prepare skilled and specialized personnel for various occupations. Apart from vocational training and specialized instruction, they also provide general secondary education, undertake extensive work of ideological education in a spirit of patriotism, internationalism and the strengthening of peace and friendship between peoples, like all educational institutions, and concern themselves with the aesthetic and physical education of students. At the present time training colleges and specialized secondary institutions are preparing skilled workers and specialists in more than a hundred different occupations and specialties.

Students at training colleges get free food and clothing from the Government and those at specialized secondary institutions get grants.

There are special sanatorium schools for students needing long-term care. There are also special schools of general education and boarding schools for children with sight, hearing or speech defects and those who are mentally defective or for some other reason cannot be educated in an ordinary school. Such schools have special syllabuses and are run by people trained in dealing with the handicapped. The students get free education, medical care and preparation for socially useful labour.

At schools of general education extra work is done with backward pupils out of hours. Homes have been set up and are in operation for the maintenance, instruction and education of children who have no parents or guardians. These homes are fully financed by the State.

For young people working in the economy who have not had general secondary education there are evening (shift) schools and seasonal schools of general secondary education, and extramural education is organized in the schools. Workers can improve their qualifications at evening (shift) vocational training schools, workshops, courses, etc. Under the Education Act, article 60, students and pupils taking courses at different educational institutions while continuing to work are entitled to extra paid leave, a shorter working day and various other advantages in accordance with Mongolian law.

The highest level in the Mongolian educational system is higher education, which is given at the country's higher educational institutions - universities and institutes. According to the 1980 statistics, 140 out of every 10,000 inhabitants were studying at higher educational institutions.

Nearly half the students at higher educational institutions are women.

The country at present has seven higher educational institutions, attended by over 23,200 students.

Under the Education Act, article 55, citizens of Mongolia who have completed secondary education are entitled to enter higher educational institutions. Students at higher educational institutions get grants.

Students at higher educational institutions who continue to work are entitled to extra paid leave, a shorter working day and other advantages.

5. In our country women are able to exercise their legal right to equal pay, to work in any sphere of activity in the community, to improve their qualifications and to enjoy labour protection. The year 1974 saw the introduction of the Mongolian Labour Code, which provides a legal guarantee of the protection of the work rights of working people, including women.

The Mongolian Constitution forbids any direct or indirect limitation of rights or granting of direct or indirect advantages in relation to employment on the basis of sex, race, nationality, etc. Manual and non-manual workers are entitled to the rates of pay guaranteed by the State in accordance with the amount and quality of work done, regardless of sex, race, etc.

Women are entitled on the same footing as men to leisure under the legislation on the limitation of the working day and annual paid vacation, to healthy and safe working conditions, to free vocational and advanced training, to participation in production management and material support from the State in the form of state social security in old age and sickness.

The country's plants, offices and organizations are required to take measures to create healthy and safe working conditions. They introduce modern safety devices to prevent accidents at work and provide healthy and sanitary conditions. It is forbidden to employ women for work under arduous or harmful conditions or work underground. Under the Labour Code, articles 48, 151, 169 and 179, the working day is reduced for women who need such conditions for health reasons and for manual and non-manual workers with diminished fitness for work.

Apart from the basic vacation, which under the Labour Code is 15 days, women like men who work under arduous or harmful conditions get extra vacation of three, seven or eleven days. Apart from this, manual and non-manual workers without exception get, in addition to their basic and supplementary leave, a further two days after 15 years' uninterrupted employment and another day for each subsequent five years. Women with five or more children and disabled persons in groups I and II who are working have the chance to spend their vacation at state holiday homes free of charge for a period of 14 to 21 days once a year.

Under the Mongolian Pensions Act, women who have worked under ordinary conditions for not less than 20 years are entitled to a pension at the age of 55, five years earlier than men. Women who have borne and brought up four or more children and have worked for not less than 15 years get their pensions at 50. Women who have worked not less than 20 years, including not less than 10 years' work under arduous conditions, are entitled to a pension on favourable terms at the age of 50. On the death of the family breadwinner, dependent members of his family who are not fit to work get corresponding pensions and allowances.

Mongolia has a state system of mother and child welfare.

Under the Mongolian Labour Code women get maternity leave for 101 days, and in the event of a multiple birth the period is extended to 126 days (Labour Code, article 156). Before or after her maternity leave a woman is entitled if she wishes to take her regular annual leave regardless of her length of service. After her maternity leave she can also if she wishes take leave on part pay for up to six months. Families with large numbers of children are given special allowances for looking after the children up to the age of eight. Since 1981 children up to the age of one and those under out-patient care have been provided with the drugs they need free of charge.

Under the labour legislation it is forbidden to refuse women jobs, to reduce their pay or to dismiss them because they are pregnant or have children (Labour Code, article 14). On the recommendation of the Medical Board, pregnant women needing to have easier working conditions for health reasons can have their working day reduced or they can be transferred during pregnancy to other lighter work while keeping the same average pay as before (Labour Code, article 151).

It is also forbidden to put pregnant women and nursing mothers on night work or overtime, or to send them on mission (Labour Code, articles 153, 154).

In addition to the normal break in the working day, mothers with children up to the age of six months are allowed breaks for a total of two hours during the working day to feed their children and women with children from six to twelve months for a total of one hour. These breaks for feeding children count as part of the working day and are paid at the average rate.

The State devotes great attention to the question of providing the necessary conditions so that women can combine going out to work with care of their children and families. The system of children's institutions, such as crèches and kindergartens, is expanding from year to year. At industrial plants, economic organizations and service establishments employing large numbers of women, there are crèches and kindergartens, special premises for feeding children and restrooms for mothers and children.

The country now has 624 kindergartens and 398 crèches, attended by over 71,100 children. Children up to the age of three are cared for at crèches free of charge. Among the basic policies for the development of the national economy and culture in the period 1981-1985, it is planned to construct and

bring into operation kindergartens and crèches with a total of 11,000-12,000 places. Comprehensive support is to be given for the organization and construction of kindergartens and crèches out of the funds of industrial plants, agricultural associations, state farms and other organizations.

6. Mongolian citizens are guaranteed the right to skilled medical care free of charge. Protection of the health of mothers and children is a major concern of our State. Standard medical institutions today for providing pregnant women and nursing mothers with general health care are women's clinics, maternity homes and residences. The basic principle underlying the organization of health care for mothers and children is that they should be looked after by their local area or district. Nowadays 14.8 per cent of all hospital beds are occupied by young mothers and about 23.4 per cent by children. A mother and child health research institute has been set up.

In Mongolia the number of children's hospitals and wards has more than doubled over the past ten years and the number of children's clinics has increased tenfold.

The health service provides pregnant women with skilled medical care when they need it, with in-patient care for confinement and with general health care for the mother and new-born child afterwards.

7. Women have the same right as men to take part in the cultural life of the country. So that this right can be realized in practice, the country has set up a wide network of cultural and artistic institutions. It now has 16 theatres, 25 cinemas, over 1,400 libraries and reading-rooms, 392 clubs, 29 cultural centres and 28 museums.

Forty-six per cent of People's Artists and 20 per cent of Honoured Cultural Workers are now women.

In Mongolia great attention is given to increasing the material welfare of the people, and in particular agricultural workers. During the most recent five-year plan a number of measures were introduced to increase the money income of members of agricultural associations, and pay rates were increased for some categories of workers in aimaks (provinces) and somons (administrative units).

Increased procurement prices for livestock produce, special supplements for farms in the Gobi area and increased old-age pensions and coverage by the state pension system for members of agricultural associations have made it possible to improve working and living conditions for agricultural workers, including women, and to bring their income nearer to that of workers in other sectors.

In the new five-year plan it is proposed to introduce the piece-rate system of paying members of agricultural associations for their work in order to give them a greater material incentive. With the new five-year plan male members of agricultural associations will get their pensions at 60 and women at 55.

Comprehensive measures are being taken in Mongolia with regard to maternal and child welfare in rural areas. Agricultural associations provide pregnant women with special residences where they are under medical supervision before and after confinement for ten to fourteen days.

The cultural level of rural workers is rising from year to year. Under the new five-year plan television receivers using the Ekran system will be set up in over a hundred localities.

Graduates of general education schools and vocational training colleges go to work in agriculture.

9. In Mongolia justice is administered in civil and criminal cases on a basis of equality of citizens before the law and the court, regardless of sex, nationality or race (Code of Civil Procedure, article 5).

10. Among the State's important tasks are to strengthen the family, to protect the individual and property rights of the spouses and other members of the family and to ensure that they enjoy equal rights. Mongolian family legislation is designed to strengthen the family, to improve family relations still further and to ensure that women enjoy a position of equality with men in everyday life.

Mongolian citizens enjoy equal rights in family relations. Any limitation of the rights of citizens or the granting of any advantages in relation to marriage and other family relations on the basis of sex, race or nationality is forbidden (Family Code, article 5). A marriage can only be concluded if

both parties consent to it of their own free will and have reached marriageable age, which is eighteen years for both men and women. The marriage must be registered at the civil registry office. Under the Family Code women have equal rights with men during the marriage and after its dissolution.

The spouses are entitled to choose their occupation and trade (Family Code, article 14).

Under the Family Code, all the property and savings accumulated by the spouses during their marriage are recognized as their common joint property.

Parents have equal rights and obligations with regard to their children. Dissolution of the marriage does not release parents from their obligations regarding the raising of the children (Family Code, article 41). Parents are required to protect the rights and interests of their minor children. As legal representatives of their minor children they act in protection of their rights and interests in judicial organs and in state, public and other organizations.

A marriage can be dissolved by mutual consent of the spouses, provided they have no minor children, at the civil registry office. Marriages cannot be dissolved if the wife is pregnant or has a child under the age of one year (Family Code, article 30).

When giving a decision on the dissolution of a marriage, the court decides which of the children shall remain with which parent. It takes this decision in the light of the interests of the parents and children, the age of the children, their need for parental care and the capacity of each of the parents to provide for the best upbringing of the children.

When the courts consider disputes relating to the upbringing of children under the age of nine, they give a hearing when necessary to representatives of the health service and guardianship authorities, and when the children are aged nine or over their own wishes are taken into account.

11. In Mongolia there is a community organization known as the Committee of Mongolian Women. The Committee plays an important role in protecting the rights and interests of Mongolian women and ensuring that they can play an active part in the social, political and economic life of the country. In addition, the Committee has full powers to monitor the execution of decisions and legislation in the field of maternal and child welfare.

The Committee co-ordinates and directs the activity of all women's organizations in Mongolia. It has 75 members, including the Chairman and his deputy, and a Praesidium consisting of 15 members. The supreme organ is the Congress. The Committee has associated councils in the aimaks (provinces) and towns and also has local councils at enterprises, agricultural associations and offices. It puts out a journal entitled "Mongolskaya zhenshchina" (Mongolian Woman).

The Mongolian Women's Organization takes an active part in the activities of the Women's International Democratic Federation and other international organizations and maintains working contacts with the national democratic women's organizations of many countries. It is constant in its struggle for peace and social progress throughout the world.

12. Mongolia attaches great importance to the United Nations Decade for Women and consistently supports international efforts aimed at achieving its aims and purposes. Our country considers the Decade an important factor in the struggle for equal rights for women in society, for broad participation by women in all spheres of the life of the community and for their active involvement in the movement to strengthen peace and international security.

Mongolia has acceded to and ratified the following international instruments adopted by the United Nations and the specialized agencies on the elimination of discrimination against women: the International Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Political Rights of Women, the International Covenants on Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the ILO conventions on equal pay for equal work, maternal welfare and discrimination at work.

Annex

Constitution of the Mongolian People's Republic of 6 July 1960

Article 76. Citizens of the Mongolian People's Republic have equal rights regardless of sex, race, nationality, religion or social origin or status.

Article 77. Citizens of the Mongolian People's Republic are entitled to work and to receive payment for work in accordance with its quantity and quality.

This right is ensured by all the advantages of the socialist economic system established in the Mongolian People's Republic, giving every citizen full opportunity to apply his knowledge and labour unhindered in any branch of the economy and culture and to receive a guaranteed remuneration in accordance with the amount of work done.

Article 78. Citizens of the Mongolian People's Republic are entitled to leisure. This right is ensured by fixing the maximum length of the working day at eight hours, reducing the working day for a number of special occupations, establishing a weekly day of rest and annual paid vacations for manual and non-manual workers and the provision of sanatoriums and state holiday homes, theatres, clubs and other institutions to provide services for working people.

It is the policy of the Mongolian People's Republic to increase the amount of free time in the future as the country's productive forces develop, by reducing work time and improving and making more easily available various services for working people so that they can increasingly use their free time not just for rest but also for physical and spiritual improvement and for raising their level of knowledge and education.

Article 79. Citizens of the Mongolian People's Republic are entitled to material aid in old age, when unfit for work, when ill or upon loss of the breadwinner. This right is guaranteed among other things, by granting assistance to working people through the system of social security, state pensions, special funds of co-operative organizations, extensive development of the system of medical institutions and health resorts, free medical care for working people and development of the system of labour protection.

Article 80. Citizens of the Mongolian People's Republic are entitled to education. This right is guaranteed, among other things, by free instruction, extensive development of the system of schools of general education, specialized secondary educational institutions and higher educational institutions and by development of the system for improving qualifications and the system of state grants for students at specialized secondary and higher educational institutions.

Article 81. Citizens of the Mongolian People's Republic are entitled to participate freely in the management of the State and society and in the direction of the country's economic life, both through their representative organs and directly. This right is guaranteed by giving all citizens genuine opportunities for broad participation in all aspects of the political, economic and cultural construction of the country, and in particular, through participation in elections, referendums, the system of popular supervision, the organization of different democratic associations, etc.

All citizens of the Mongolian People's Republic who have reached the age of 18 years, except those certified to be of unsound mind, have the right to elect representatives and to be elected to all state organs.

Article 82. Citizens of the Mongolian People's Republic are entitled to combine in community organizations: trade unions, co-operative associations, youth, sports and other organizations, cultural and scientific associations, and also associations for strengthening peace and friendship between peoples, etc.

The most active and aware citizens from among the ranks of the manual workers, co-operative workers and working intelligentsia come together in the Mongolian People's Revolution Party, which is the vanguard and leader of all state and other mass organizations of working people.

Article 83. Citizens of the Mongolian People's Republic, regardless of their nationality, have equal rights in all fields of the country's state, economic, cultural, social and political life. Any direct or indirect restriction of the rights of citizens on grounds of race or nationality and any propagation of chauvinist and nationalist ideas is forbidden by law.

The State guarantees representatives of all nationalities living in the territory of the Mongolian People's Republic the opportunity to develop their national culture, receive instruction and carry on their business in their native tongue.

The Mongolian People's Republic extends the right of asylum to foreign citizens persecuted for defending the interests of working people, for participating in the struggle for national liberation, for working to strengthen peace or for scientific activity.

Article 84. Women in the Mongolian People's Republic have equal rights with men in all fields of economic, state, cultural, social and political life. In particular, the exercise of these rights is guaranteed by giving women equal conditions with men as regards work, leisure, social security, education, state protection of the interests of mother and child, state aid to mothers of large families, paid maternity leave for women and expansion of the system of maternity homes, crèches and kindergartens. Any attempt to stop women enjoying equal rights in any way is forbidden by law.

LABOUR CODE OF THE MONGOLIAN PEOPLE'S REPUBLIC
of 3 July 1973

Chapter 9: Women's labour

Article 149. Prohibition of refusal to employ women, reduction of their pay, dismissal. It shall be forbidden to refuse to employ women, to reduce their pay or to dismiss them because they are pregnant or have children.

Article 150. Work for which it is forbidden to use women's labour. It shall be forbidden to use women's labour for work involving arduous or harmful conditions and also for underground work (apart from some kinds of non-physical underground work, health care and other services).

It shall also be forbidden for women to carry or move heavy loads exceeding the established limits.

The list of kinds of arduous work and work carried out under harmful conditions for which it is forbidden to use women's labour shall be approved in accordance with the procedure laid down by law.

Article 151. Reduction in the working day for pregnant women. For pregnant women needing easier working conditions because of their state of health the working day may be reduced on the recommendation of the Medical Board. In these circumstances they shall be paid for their labour in accordance with the second part of article 84 of this Code.

Article 152. Transfer to lighter work of pregnant women, nursing mothers and women with children up to the age of one year. On the recommendation of the Medical Labour Board pregnant women shall be transferred for the period of their pregnancy to other lighter work while continuing to receive the same average pay as before.

Nursing mothers and women with children up to the age of one year shall, if they are unable to perform their previous work, be transferred to other work, keeping the same average pay as before throughout the period when they are nursing their babies or until the child reaches the age of one year.

Article 153. Prohibition of the dismissal of pregnant women, nursing mothers and women with children up to the age of one year. It shall be forbidden for pregnant women, nursing mothers and women with children up to the age of one year to be dismissed at the initiative of the management.

If the enterprise, office or organization is to be completely wound up, they may be dismissed but must be found other work.

Article 154. Prohibition of night work, overtime and missions. It is forbidden to assign pregnant women, nursing mothers and women with children up to the age of one year to night work or overtime or to send them on mission.

Article 155. Breaks for feeding children. Apart from the general break for rest and food, women with children up to the age of six months shall be given additional breaks to feed their children for a total of two hours in the course of the working day and women with children aged from six to 12 months for a total of one hour.

Breaks for feeding children shall be included in work time and shall be paid at the average rate.

Article 156. Maternity leave. Women shall be given maternity leave for 45 calendar days before confinement and 56 calendar days afterwards.

In the event of an abnormal confinement or multiple birth, post-natal leave shall be given for 70 calendar days.

Mothers who have not used up all their pre-natal leave may take the balance with their post-natal leave.

Article 157. Combination of maternity leave with regular leave. Before or after maternity leave a woman at her request shall be granted her regular annual leave by the management of the enterprise, office or organization regardless of her length of service.

Article 158. Leave for women adopting new-born children. Women adopting new-born children shall get leave from the day of adoption until 56 days after the birth of the child and shall receive an allowance for this period from the state social security system.

At the request of a woman who has adopted a new-born child she shall be given extra leave without pay until the child reaches the age of six months.

Article 159. Granting of leave without pay to women. After the end of maternity leave and, where appropriate, regular leave, women shall at their request be given leave without pay for a period of up to six months without losing their former employment.

Such additional leave without pay shall count towards their total length of uninterrupted service and also towards their period of service in a specialized field.

The period of extra leave without pay shall not count towards the period entitling them to their next annual leave.

Article 160. Leave upon miscarriage or abortion. If a woman has a miscarriage or an abortion on medical advice after the 196th day of pregnancy she shall be given maternity leave. If she has a miscarriage or abortion on medical advice before the 196th day of pregnancy she shall be released from work under the procedure for release from work on grounds of sickness.

Article 161. Services for women at enterprises, offices and organizations employing substantial numbers of women. At enterprises, offices and organizations employing substantial numbers of women, crèches and kindergartens, rooms for nursing mothers to feed their children and rooms for women's personal hygiene shall be organized.

Article 162. Granting of material assistance to pregnant women, unmarried mothers and mothers with young children. The organization, enterprise or office for which they work can, where necessary, issue pregnant women, unmarried mothers and mothers with young children with passes to sanatoriums and state holiday homes free of charge or on favourable terms and also give them material assistance from the social security funds of the enterprise, office or organization.

Article 210. Types of benefit under the state social security system. Manual and non-manual workers and, where appropriate, members of their families, shall receive the following benefits from the state social security system:

- (a) Temporary disability, pregnancy and confinement benefits;
- (b) Benefits for the birth of a child and for burial;
- (c) Pensions for old age, disability or loss of the breadwinner and also certain other types of pensions provided for by law.

The funds of the state social security system shall be used, apart from benefits and pensions, for organizing state holiday homes, care for manual and non-manual workers and members of their families at sanatoriums and health resorts, maintenance of Young Pioneers' camps, provision of special diets and other state social security measures.

It shall be forbidden to use state social security funds for purposes other than those for which they are intended.

Article 215. Old-age pension. Male manual and non-manual workers shall be entitled to an old-age pension at the age of 60 after total service of not less than 25 years and women manual and non-manual workers at the age of 55 after total service of not less than 20 years.

The following persons shall be entitled to an old-age pension on favourable conditions (the age and length of service, or simply the age, being reduced): manual and non-manual workers employed on underground work, work under harmful conditions or high temperatures, or other work under arduous conditions; women who have had four or more children and brought them up to the age of six years; and certain other categories of manual and non-manual workers.

HEALTH CODE OF THE MONGOLIAN PEOPLE'S REPUBLIC
of 27 June 1977

Chapter 6. Maternal and child welfare

Article 55. Encouragement of motherhood and guarantees of the protection of the health of mother and child. In the Mongolian People's Republic motherhood shall be encouraged and protected by the State.

With a view to protecting the health of mothers and children in accordance with the legislation of the Mongolian People's Republic the system of maternal and child clinics, maternity homes, sanatoriums and state holiday homes, crèches and kindergartens shall be expanded; women shall be given maternity leave; breaks shall be allowed for feeding children; social security grants shall be paid on the birth of a child and during care of a sick child; it shall be forbidden to employ women on work involving arduous or harmful conditions; pregnant women shall be transferred to lighter work while keeping their average rate of pay; they shall be exempted from working in night shift; they shall be provided with healthy conditions at work and in everyday life; mothers of large families shall be paid allowances; and other measures shall be taken.

Article 56. Decision on the question of motherhood. For our women childbearing and motherhood constitutes their lofty duty to society, their happiness and joy.

If an abortion becomes necessary on the grounds specified in the law of the Mongolian People's Republic, it shall be carried out by a doctor specializing in the appropriate field, exclusively under hospital conditions, in accordance with the established procedure.

The list of illnesses which make an abortion necessary shall be drawn up by the Ministry of Health of the Mongolian People's Republic.

Article 57. Places of rest for pregnant women and mothers of new-born babies. State farms and agricultural associations shall set up out of their own funds places of rest for pregnant women and mothers of new-born babies and provide them with other services free of charge.

Article 58. Provision of medical assistance for pregnant women and new-born babies. The health service shall provide pregnant women with qualified medical supervision at the appropriate time, in-patient medical assistance at confinement and general health care for the mother and new-born child.

Article 59. Provision of medical care for children and adolescents. Medical care for children and adolescents shall be provided by children's polyclinics, clinics, hospitals, sanatoriums and other institutions concerned with medical care, disease prevention and health.

Children and adolescents shall be kept under supervision by clinics.

Article 60. Protection of the health of children and adolescents. With a view to raising a healthy younger generation, harmoniously developed in both body and mind, enterprises, offices, agricultural associations, trade unions and other organizations of the community shall organize and expand the system of crèches, kindergartens, schools, boarding schools, forestry schools, Young Pioneers' and labour camps and other children's institutions.

Article 61. Protection of children's health in children's institutions and schools. Crèches, kindergartens and schools shall provide conditions for protecting and strengthening children's health, bringing them up hygienically and teaching them good habits.

The amount of study and work to be done by children and the standard programme of activities for them shall be established by agreement with the Ministry of Health of the Mongolian People's Republic.

Article 62. Children's health protection checks. Checks to ensure that children's institutions and schools are carrying out measures to protect and improve children's health shall be undertaken by the health service jointly with the education service, and with the participation of community organizations.

Article 64. Maintenance of children with defective physical and psychological development. Children with defective physical or mental development shall be maintained and brought up at special crèches, homes and schools at State expense.

Article 65. Payment of benefits for care of a sick child. A person taking care of a sick child shall be released from work and be paid benefits in accordance with the law of the Mongolian People's Republic.

Article 66. Supervision of vocational training of adolescents and their working conditions. Adolescents shall be given vocational training in those occupations which correspond to their physical and mental development and state of health under the supervision of the health service.

Checks to ensure that adolescents' working conditions meet the requirements and that special measures to avoid illness are taken shall be carried out by the health service jointly with the corresponding ministries, departments, trade unions, youth organizations and other organizations of the community.

Article 67. Compulsory medical examinations for persons under age.

Persons up to the age of 18 years shall be accepted for employment only after a preliminary medical examination.

Persons up to the age of 18 years, who are production workers, shall have medical examinations at least twice a year.

ORDER CONCERNING THE PAYMENT OF STATE
SOCIAL SECURITY BENEFITS

Approved by a decision of the Council of Ministers of
the Mongolian People's Republic on 18 November 1974

III. Maternity benefits

49. Women manual and non-manual workers shall be given leave for 45 calendar days before confinement and 56 calendar days after confinement, and in the event of an abnormal confinement or multiple birth post-natal leave shall be extended to 70 calendar days with payment of social security benefits.

50. Women manual and non-manual workers who have adopted new-born children in accordance with the legally established procedure shall be given leave from the date of adoption until 56 calendar days after the date of the birth of the child, with payment of benefits on the basis of a medical certificate in accordance with article 55 of this Order.

51. If the period from the day of release from work on maternity leave until the day of confinement is more than 45 calendar days, no benefit shall be paid for the days over and above the period allowed for pre-natal leave. If the period from the day of release on maternity leave until the day of confinement is less than 45 calendar days, post-natal leave shall be extended by the unused balance.

52. If a woman begins her maternity leave during her regular leave the benefit shall be paid on the normal basis and the regular leave shall be extended after the end of the post-natal leave.

If maternity leave is granted during leave without pay, benefit shall be paid for the days of such leave on the normal basis.

If maternity leave is granted during paid leave, benefit shall not be paid for the days of such leave.

53. Post-natal leave and benefits for a miscarriage occurring after the 196th day of pregnancy or because of an abortion undertaken on medical advice shall be determined in accordance with articles 49 and 55 of this Order.

54. In the event of a miscarriage occurring after the 196th day of pregnancy or an abortion undertaken on medical advice the benefit shall be paid on the normal basis.

In the event of an abortion undertaken without medical advice the benefit shall be paid from the 11th calendar day of unfitness for work.

55. Benefits shall be paid to women manual and non-manual workers during maternity leave at the rate of 50 per cent of their average monthly pay if they have continuous service of up to seven months and at the rate of 100 per cent of pay if they have continuous service of seven months or more.

56. Women manual and non-manual workers who have been awarded the "Glory of Motherhood" Order, first or second class, shall be paid benefit at the rate of 100 per cent of their pay regardless of their length of service.

57. Women manual and non-manual workers whose employment is terminated for reasons that are not their own fault (reduction in staff, transfer to new work because of husband's transfer, etc.) shall be paid maternity benefit, in respect of a confinement occurring within two months of termination, by their former place of work.

IV. Childbirth benefit

58. A single childbirth benefit for looking after and feeding the child shall be paid when the child leaves the maternity home. This benefit shall be paid if the parents' average monthly wage over the last three calendar months does not exceed 600 tugriks.

If the child's mother works in arduous and harmful conditions, in high temperatures or in underground work, or if she has the "Glory of Motherhood" Order, first or second class, the benefit in question shall be paid regardless of the amount of her pay.

59. Even if the child is born after the death of its father, the enterprise, office or organization where he worked shall pay the childbirth benefit to the mother if she has no fixed work, and the deceased shall be considered the child's father if not more than 10 months has elapsed between the day of his death and the birth of the child.

60. The enterprise, office or organization shall pay a benefit for care of the new-born baby in the amount of 40 tugriks and a benefit for feeding the baby in the amount of 180 tugriks. In the event of a multiple birth the benefits shall be paid in those amounts for each child. Payment of the benefit shall be recorded by means of a stamp on the child's birth certificate.

61. In order to obtain childbirth benefit the following documents shall be produced:

- (a) The child's birth certificate;
- (b) Particulars of the parents' pay;
- (c) A certificate from the administrative organs concerning the child's residence.

PENSIONS ACT OF THE MONGOLIAN PEOPLE'S REPUBLIC
of 28 March 1958

II. Old-age pensions

Article 8. Men shall be entitled to an old-age pension on reaching the age of 60 years provided their total length of service is not less than 25 years and women on reaching the age of 55 years provided their total length of service is not less than 20 years.

Article 9. The following persons shall be entitled to an old-age pension on favourable terms if they have worked in arduous and harmful conditions, in high temperatures or underground, according to the list of occupations and functions approved by the State Committee on Work and Pay of the Council of Ministers of the Mongolian People's Republic and the Central Council of Mongolian Trade Unions:

(a) Women on reaching the age of 45 years if their length of service is not less than 15 years, of which not less than seven years and six months shall have been spent working in harmful conditions, in high temperatures or underground;

(b) Women on reaching the age of 50 years if their length of service is not less than 20 years, of which not less than ten years shall have been spent working in arduous conditions.

Manual and non-manual workers who meet the conditions regarding age and length of service laid down in this article shall be paid a pension on favourable conditions regardless of where they worked beforehand or afterwards.

Article 10. Women who have given birth to four or more children and brought them up to the age of six years shall be entitled to an old-age pension at the age of 50 if they have not less than 15 years' service.

FAMILY CODE OF THE MONGOLIAN PEOPLE'S REPUBLIC

dated 19 April 1973

Chapter I. Basic provisions

Article 1. Aims of the Family Code. The purpose of the Family Code of the Mongolian People's Republic is to further strengthen the family on the basis of the principles of communist morality, to protect the interests of the parents, children and other members of the family, to increase the spouses' sense of responsibility for the fulfilment of their obligations to society and to eliminate all survivals of past practices in the family and in everyday family relations.

Article 2. Relations regulated by the Family Code. The Family Code of the Mongolian People's Republic regulates relations arising in connection with the conclusion and dissolution of a marriage, personal and property relationships between the spouses, between parents and children and between other members of the family and relations connected with adoption and guardianship and with the registration of civil status.

Article 3. Principles of the family. Married life in the Mongolian People's Republic shall be based on the principles of freedom of choice, mutual love, respect, comradely co-operation and mutual assistance of the persons concluding the marriage.

In the Mongolian People's Republic it shall be forbidden to enter into marriage with two or more persons at the same time.

Article 4. Registration of the marriage and its validity. Both in the interests of the State and society and with the aim of protecting the personal and property rights and interests of the spouses and other members of the family, it shall be compulsory for marriages to be registered with the State. If they are not, the rights and duties of the spouses set forth in this Code shall not apply.

In the Mongolian People's Republic a marriage shall be recognized as valid if it has been registered by the civil registry office or if it was concluded before 1951. If the spouses can prove that they concluded the marriage before this Code came into force, they shall be entitled to register the marriage on the date on which it was actually concluded.

Article 5. Equal rights in family relations. Citizens of the Mongolian People's Republic shall enjoy equal rights in family relations.

Any restriction of citizens' rights or granting of advantages in relation to the conclusion of a marriage or other family relations on grounds of nationality, race or religion shall be prohibited.

Article 6. Protection of the interests of mother and child. The health and interests of mother and child shall be protected by the State by guarantees of the equality of men and women in everyday life, supervision of children's health by clinics, expansion of the system of maternity homes, crèches, kindergartens, boarding schools and other children's institutions and also by giving women engaged in socially useful work paid maternity leave, granting them various privileges, improving labour protection, paying state pensions to mothers of large families and other measures.

Chapter II. Principles of marriage

Article 8. Conditions governing the conclusion of a marriage. For a marriage to be concluded the following conditions must be met:

1. The parties concluding the marriage must do so of their own free will, by common consent;
2. They must have reached marriageable age.

Article 9. Marriageable age. In the Mongolian People's Republic the marriageable age for men and women shall be 18 years.

Article 11. Procedure for conclusion of a marriage. It shall be compulsory for marriages to be concluded at the civil registry office.

Registration of the marriage shall be performed in a ceremonial setting, and also at the wish of the parties at their residence or elsewhere.

Article 12. Time limit for registration of a marriage. A marriage shall be registered at the registry office within a month of the receipt of the application of the persons wishing to conclude the marriage.

Where there are valid reasons the above period can be extended to three months by the executive office of the local khural of people's deputies.

Chapter III. Rights and duties of the spouses

Article 13. Coming into force of the rights and duties of the spouses. The rights and duties of the spouses shall come into force from the time of the registration of the marriage at the civil registry office.

Article 14. Right to choose occupation, work and residence. The spouses shall be entitled to choose their occupations, work and residence within the limits of the territory of the Mongolian People's Republic.

Article 15. Duties of the spouses. The spouses shall be required to:

1. Contribute to the strengthening of the family and the introduction of communist morality and culture in family relations;

2. To take an equal part in housework and to give each other assistance in obtaining education and improving their qualifications and in performing their civic duties conscientiously.

Article 16. Common joint property of the spouses. All the property and savings, and also the subsidiary personal effects accumulated by the spouses during the marriage, shall be regarded as common joint property of the spouses. The property accumulated during the marriage shall be considered the common joint property of the spouses regardless of whose pay - the husband's or the wife's - it was bought with and which of them is recorded as the owner of the property.

Cases covered by the third paragraph of article 18 of this Code shall be exceptions to this rule.

The property of each of the spouses may be declared to be their common joint property if it is established that what has been put into it during the marriage has considerably increased the value of the property in question.

The spouses shall be entitled to agree that the property belonging to each of them before marriage or part of that property shall be included in their common joint property.

Article 17. Possession and use of common joint property and arrangements concerning it. Each of the spouses shall have an equal right to possess and use the common joint property and to make arrangements concerning it.

The possession and use of the common joint property and arrangements concerning it shall be decided by mutual agreement between the spouses.

If a dwelling, yurta (nomad's tent) or motor car belonging to the spouses is to be alienated to other persons the agreement of the other spouse must be obtained in writing.

Article 18. Personal property of each of the spouses. The following shall be recognized to be the personal property of each of the spouses:

(a) Property and savings belonging to each of the spouses before marriage and not included by them in the common joint property;

(b) Property and savings acquired by each of the spouses during the marriage by gift or inheritance.

Items for personal use (clothing, footwear, other articles of attire and personal adornment, etc.), with the exception of jewellery, even if acquired out of the spouses' joint resources, shall be recognized as the personal property of the spouse who used them.

Where there are valid reasons for doing so, a court shall be entitled to recognize as the personal property of each of the spouses property accumulated by each of them out of their earnings while living separately.

Article 19. Determination of the spouses' shares in common joint property. In the event of a dispute between the spouses, each one's share of the common joint property shall be determined by a court.

In dividing up the common joint property, the court shall proceed on the principle that the spouses should have equal shares; however, in individual cases, in the light of the interests of the children or of one of the spouses, it shall be entitled to establish a different division. The share of either of the spouses may be increased if the other spouse has refrained from socially useful work or spent the common property to the detriment of the family's interests.

When the property is divided up, if one of the spouses is given items of greater value than the share due to him or her, the other spouse may be awarded corresponding monetary compensation by the court.

Chapter IV. Dissolution of marriage

Article 25. Grounds for dissolution of marriage. A marriage which has been dissolved at the wish of the spouses by divorce through the civil registry office or by a court in accordance with the procedure laid down by this Code shall be terminated.

A marriage shall be terminated if one of the spouses dies or is declared dead in accordance with judicial procedure.

Article 26. Dissolution of marriage by administrative procedure. A marriage shall be dissolved by the civil registry office at the request of the spouse concerned if one of the spouses:

1. Is recognized to have disappeared without trace;
2. Is sentenced to deprivation of freedom for not less than five years and serves the sentence.

If a spouse in prison raises an objection about the children, about the division of the property or about the payment of maintenance, the dissolution of the marriage shall be effected through a court.

Article 27. Dissolution of a marriage by common consent. When spouses not having children who have reached the age of 18 years ^{1/} agree to dissolve the marriage, the civil registry office shall dissolve the marriage and within three months of the receipt of their application shall issue them with a certificate stating that the marriage has been dissolved.

^{1/} Translator's note. Sic.

A state fee of 300 tugriks shall be charged for the marriage dissolution certificate.

If there is any dispute between the spouses the matter of the dissolution of the marriage shall be dealt with by a court.

Article 28. Dissolution of a marriage by judicial procedure. Cases concerning dissolution of marriage shall be heard by a court as actions brought in accordance with the Civil Procedure Code of the Mongolian People's Republic.

In order to protect the interests of the spouses and their children, the court shall establish the grounds for divorce, and where necessary, take measures to reconcile the spouses by postponing the hearing of the case for six months.

The marriage shall be dissolved by the court if the spouses cannot arrive at a reconciliation or if their reconciliation would conflict with the principles of communist morality.

Article 29. Settlement of disputes concerning children. When a court dissolves a marriage, it shall be required to decide which of the parents which of the children should stay with.

The court shall decide this matter in the light of the interests of the parents and the children, the age of the children, their need for parental care and the capacity of each of the parents to provide the children with the best upbringing.

When the courts consider disputes connected with the upbringing of children under the age of 9 years they shall where necessary hear representatives of the health and guardianship authorities, and in the case of children aged 9 years or more the wishes of the children themselves shall be taken into account.

Chapter VII. Adoption

Article 48. Adoption procedure. Adoption shall be carried out with the approval of the executive office of the local khural of people's deputies solely in the interests of the adoptee, with due observance of the conditions laid down in this Code.

Article 49. Cases assimilated to adoption. Adoption may be carried out without the procedure provided for in article 48 of this Code, provided it will not harm the interests of the adoptee, in the following cases:

1. When upon the conclusion of the marriage one of the spouses has agreed to bring up a child of the other spouse as his or her own;

2. When the adopter has agreed with a brother, sister, son or daughter to adopt his or her child, or, in the absence of the child's parents, has so agreed with the guardianship authorities.

Article 50. Age of adopted children. Children may be adopted up to the age of 16 years, but those under the age of one year may only be adopted in the following circumstances:

1. If the health of the child's mother is such that she cannot breastfeed it;

2. If one of the parents is suffering from a mental or other serious chronic illness or is crippled in such a way that the parents cannot give the child a normal upbringing;

3. If the parents are not in a position to provide the necessary conditions for the child's upbringing;

4. If the parents or the child's mother have died or disappeared without trace.

Article 51. Conditions governing adoption. In order to adopt a child it is necessary to obtain the written agreement of its parents or the agreement of the guardianship authorities.

The agreement of the child itself shall be required if it has reached the age of nine years, and in the case of children under the age of three years the agreement of the health service shall be necessary.

The parents' agreement shall not be required for adoption of their child if they have been deprived of parental rights or disappeared without trace or decline to participate in the child's upbringing or have been declared incapable because of mental illness, or if their residence has been unknown for at least a year.

Article 54. Right of adoptee to pension and benefit. Children who have been receiving a pension for loss of the breadwinner shall retain the right to it when adopted by third persons.

A woman who adopts a child under the age of one year shall be entitled to post-natal leave and to the single childbirth grant for care and feeding and shall have all the advantages of a nursing mother laid down by the law of the Mongolian People's Republic.

Chapter XIII. Registration of the civil status of aliens
and stateless persons living in the Mongolian People's Republic

Article 107. Conclusion of marriages between Mongolian citizens and aliens and between aliens in the Mongolian People's Republic. The conclusion of marriages between Mongolian citizens and aliens and marriages between aliens in the territory of the Mongolian People's Republic shall be carried out on the basis of the provisions of this Code.

The conclusion of marriages between Mongolian citizens and aliens shall not entail any change in the nationality of either party.

Article 108. Application of the family legislation of the Mongolian People's Republic to stateless persons. The conclusion of marriages between Mongolian citizens and stateless persons and marriages between stateless persons in the territory of the Mongolian People's Republic shall be carried out in accordance with the provisions of this Code.

Article 109. Registration of the civil status of Mongolian citizens living outside the Mongolian People's Republic. Registration of the civil status of Mongolian citizens living outside the Mongolian People's Republic shall be carried out on the basis of the family legislation of the Mongolian People's Republic by the consulates attached to the diplomatic missions of the Mongolian People's Republic in other countries.

Marriages concluded between Mongolian citizens outside the Mongolian People's Republic which comply with the marriage procedure laid down by the family law of foreign States shall be recognized as valid in the Mongolian People's Republic if there are no obstacles to such recognition under articles 8 to 10 of this Code.

Marriages of aliens concluded outside the Mongolian People's Republic in accordance with the law of the States concerned shall be recognized as valid in the territory of the Mongolian People's Republic.

Article 110. Registration of the citizenship of children. When registering the birth or adoption of children, the civil registry office shall at the same time register their citizenship, being governed in this by the Citizenship Act of the Mongolian People's Republic.

Article 111. Dissolution of marriages between Mongolian citizens and aliens or stateless persons in the Mongolian People's Republic. Dissolution of the marriage shall be carried out in accordance with the present Code if one of the spouses wishing to dissolve the marriage in the territory of the Mongolian People's Republic is a Mongolian citizen.

Evidence of dissolution of a marriage outside the Mongolian People's Republic shall be recognized as valid if at the time of dissolution of the marriage one of the spouses was a Mongolian citizen.

Evidence of dissolution of a marriage between Mongolian citizens outside the Mongolian People's Republic shall be recognized as valid.

Mongolian citizens living abroad shall be entitled to dissolve their marriages through the judicial organs of the Mongolian People's Republic.

Article 112. Dissolution of marriages between aliens. Dissolution of marriages between aliens in the Mongolian People's Republic shall, if they wish, be carried out in accordance with the procedure established by this Code.

Dissolution of marriages between aliens outside the Mongolian People's Republic shall be recognized as valid.

Article 113. Application of the laws of foreign countries and international agreements and treaties. The family legislation of foreign States may not be applied nor may changes of civil status effected on the basis of such legislation be recognized as valid if that would conflict with the basic principles of the state system of the Mongolian People's Republic.

If an international treaty or agreement to which the Mongolian People's Republic is party establishes rules which are different from those contained in the family legislation of the Mongolian People's Republic, the rules of the international treaty or agreement shall apply.

ACT ON THE JUDICIAL SYSTEM OF THE MONGOLIAN PEOPLE'S REPUBLIC

Approved by Decree No. 302 of the Praesidium of the
Great People's Khural of the Mongolian People's
Republic dated 25 December 1978

Article 5. Equality of citizens before the law. Justice shall be administered in the Mongolian People's Republic on the basis of equality of citizens before the law and before the courts regardless of their sex, race, nationality, religion or social, property or official status.